

FILED

UNITED STATES COURT OF APPEALS

AUG 16 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL DAVID RIGMAIDEN,

Defendant - Appellant.

No. 13-10254

D.C. No. 2:08-cr-00814-DGC-1

District of Arizona,

Phoenix

ORDER

On May 16, 2013, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant filed a response on June 5, 2013. Appellee filed a letter on June 13, 2013, stating that, because it is well settled that the denial of a motion to suppress is not a final appealable order, it would not file a response to appellant's June 5, 2013 filing unless directed by the court.

Appellant does not appear to seek review of the district court's May 8, 2013 order to the extent the order denied appellant's motion to suppress. Rather, appellant appears to seek review only of that portion of the order denying his "motion for an order requiring the government to comply with data deletion requirements."

AT/MOATT

Accordingly, the court sua sponte grants appellee another opportunity to respond to appellant's June 5, 2013 filing. Any response appellee wishes to file is due within 21 days after the filing date of this order.

Briefing remains suspended pending disposition of the court's May 16, 2013 order to show cause.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Taylor
Motions Attorney/Deputy Clerk